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Subject: Nat. Security FOIA from law firm ----Office of Air & Radiation (OAR)
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Attachments: [image001.png](#)

<https://www.epa.gov/sites/default/files/2020-08/documents/nse-exempt-guid-ltr-2020-08-20.pdf>

For the purposes of national security, **certain engines/equipment may be exempt from Clean Air Act (CAA) requirements** if the engines/equipment will be owned or used by an agency of the federal government responsible for national defense and other applicable criteria are met. See Clean Air Act § 203(b), 40 C.F.R. §§ 1068.225, 1068.315(a). Under 40 C.F.R. § 1068.225(c), **a national security exemption (NSE) is automatically available to a manufacturer for engines/equipment** when the manufacturer receives a written request for such engines/equipment from the appropriate federal agency, and the engines/equipment meet certain specialized military combat, warfare, or other similar criteria. Manufacturers not qualifying for the automatic exemption may request an NSE if the request is endorsed by an agency of the federal government responsible for national defense and the request explains why the manufacturer needs the exemption. 40 C.F.R. § 1068.225(d). This guidance specifically recommends actions that you may take to assist EPA in timely reviewing and responding to your NSE request where prior EPA approval is required for an NSE exemption under 40 C.F.R. § 1068.225(d). The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Be well,
Kevin

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